

COPY

23

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES EDWARD HELLER  
PLAINTIFF

VS.

JAMES DOHERTY, ROBERT START,  
MARTIN WILLIAMS, PETER KESSLER,  
MICHAEL SOFIA, GARY MCFARLAND,  
PRIME CARE MEDICAL, PAUL JENNINGS,  
MICHAEL TAEERRY, and DAVID KEENHOLD  
DEFENDANTS

- ) CASE NO. 1:CV-01-828
- ) MOTION FOR COURT TO  
APPOINT PLAINTIFF  
COUNSEL.
- ) JUDGE KANE

FILED  
SCRANTON

OCT 17 2001

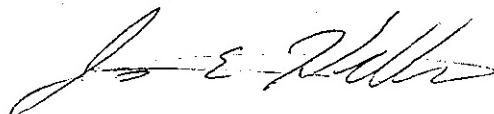
MOTION FOR COURT TO \_\_\_\_\_ DEPUTY CLERK  
APPOINT COUNSEL TO PLAINTIFF  
PURSUANT TO 28 U.S.C. 1915.

Plaintiff, James Edward Heller, requests this Honorable Court to appoint him counsel for the following reasons:

1. Plaintiff is proceeding in forma pauperis and cannot retain counsel.
2. Plaintiff does not have a High School diploma, any legal education, or prior litigation experience.
3. Plaintiff is incarcerated and is unable to perform an adequate factual investigation to the degree required.
4. Plaintiff is incarcerated and is having trouble pursuing his claim.
5. Case is likely to turn on credibility determinations, and it is more likely that the truth will be exposed if Plaintiff is represented by counsel trained in presentation of evidence and cross-examination.

WHEREFORE, the Plaintiff, James Edward Heller, respectfully requests this Honorable Court to grant his Motion and appoint him counsel.

Respectfully submitted,



JAMES EDWARD HELLER  
PRO SE PLAINTIFF  
2500 LISBURN ROAD  
P.O. BOX 8837  
CAMP HILL, PA 17001-8837

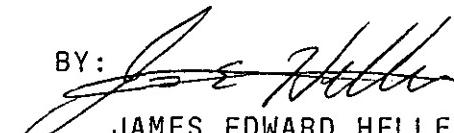
CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing MOTION FOR COURT TO APPOINT COUNSEL TO PLAINTIFF on the parties by mailing a true and correct copy to the parties of record at the following addresses by U.S. FIRST CLASS MAIL, postage prepaid.

Gerard Geiger, Esq.  
712 Monroe Street  
P.O. Box 511  
Stroudsburg, PA 18360-0511

John R. Ninosky, Esq.  
320 Market Street  
P.O. Box 1268  
Harrisburg, PA 17108-1268

BY:



JAMES EDWARD HELLER  
PRO SE PLAINTIFF  
2500 LISBURN ROAD  
P.O. BOX 8837  
CAMP HILL, PA 17001-8837

DATED: 10/5/01